UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/895,716	06/29/2001	Venkatesh Kambhammettu	42390P11148	6479

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EXAMINER
TRUONG, LECHI

ART UNIT	PAPER NUMBER
2126	

DATE MAILED: 07/06/2004

6

Please find below and/or attached an Office communication concerning this application or proceeding.

PTO-90C (Rev. 10/03)

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE _3_ MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.
- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on _4/05/2005_.

2a)☒ This action is **FINAL**.   2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) _1-23_ is/are pending in the application.

    4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) _1-23_ is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. §§ 119 and 120

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

    a)☐ All b)☐ Some * c)☐ None of:

      1.☐ Certified copies of the priority documents have been received.

      2.☐ Certified copies of the priority documents have been received in Application No. _____.

      3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

    * See the attached detailed Office action for a list of the certified copies not received.

13)☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application) since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.

    a) ☐ The translation of the foreign language provisional application has been received.

14)☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121 since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)

2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____.

4) ☐ Interview Summary (PTO-413) Paper No(s). _____.

5) ☐ Notice of Informal Patent Application (PTO-152)

6) ☐ Other: .

DETAILED ACTION

1.   Claims 1-23 are presented for examination.

DETAILED ACTION

Claim Rejections - 35 USC § 103

2.   The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all

obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in
> section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are
> such that the subject matter as a whole would have been obvious at the time the invention was made to a person
> having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the
> manner in which the invention was made.

3.   Claims **1, 2, 3,15-17** are rejected under 35 U.S.C. 103(a) as being unpatentable over

Reiner (US. Patent 6,219,676 B1) in view of Barroux (US. Patent 5,923,850).

4.   **As to claim 1**, Reiner teaches the invention substantially as claimed including: periodic

audits (content is added, changed or deleleted ... update may be form of time stamp, col 7, ln 30-

65), the customer system (the server 14a, col 7, ln 30-65/ col 9, ln 5-35), information (the data,

col 9, ln 5-35), an application server (cache sever 14b/ cache coherency includes a processor for

running operating code, col 2, ln 35-62/ col 7, ln 30-65/ col 9, ln 5-35), network (networks N1,

col 5, ln 20-39, Fig. 1), determining whether the changes (determine whether an update have

occurred, col 7, ln 30-65), monitoring (monitor area, col 2, ln 35-60).

5.   Reiner does not teach predetermined audit interval, an agent program that collects

information. However, Barroux teaches predetermined audit interval (the configuration

information both at the first time and a the last time/col 1, ln 60-67/ col 9, ln 20-30/ builds an

interval schedule for task, col 4, ln 5-8/tracks elapsed time, col 4, ln 25-30), and agent program

that collects information (a tool for collecting, col 3, ln 42-45/ Integrated resource 200 collects

and analyzes information, col 4,l n 10-14/ task scheduler 302 ... writes incoming collected data

to asset database, col 4, ln 30-40).

6.   It would have been obvious to one of ordinary skill in the art at the time the invention

was made to combine the teaching of Reiner and Barroux because Barroux's the configuration

information both at the first time and a the last time/ tracks elapsed time/ Integrated resource 200

collects and analyzes information would track and extract data configuration, to accumulate data

and to collect data for the evolution of schedule including estimated cost, available functionality

and quality level.

7.   **As to claim 2,** Reiner teaches a predetermined set of information (the time stamp, col 7,

ln 30-65/ predetermined set of factor, col 9, ln 25-45), the customer system (web server 14a, col

7, ln 30-65), a set of change (update has occurred/ the change log 112 has been altered, col 7, ln

30-63), a predermined set of information recorded during a previous audit (the time it last

checked, col 7, ln 40-63), comparing (compare, col 7, ln 40-63), storing said change date on a

database server (maintaining a change log at the web sever, col 2, ln 46-60/ col 10, ln 10-67),

network(networks N1, col 5, ln 20-39).

8.   **As to claim 3,** Reiner teaches operating system files, file system, registry, and application

software files (file type (graphic, web page), section or directory ... or by some other means, col

8, ln 18-40).

9.   **As to claim 15, 16, 17,** they are apparatus of claims 1, 2, 3. Therefore, they are rejected

for the same reasons as claim 1, 2, 3 above.

10.   Claims **4, 18** are rejected under 35 U.S.C. 103(a) as being unpatentable over Reiner (US.

Patent 6,219,676 B1) in view of Barroux and further in view of McDonald et al (US. Patent

6,530,065 B1).

11.   **As to claim 4,** Reiner and Barroux do not teach compress. However, McDonald teaches

compress (compressing the waveform file for transmission, col 16, ln 60-67)/ compressing the

reduced waveform data, col 37, ln 1-5)

12.   It would have been obvious to one of ordinary skill in the art at the time the invention

was made to combine the teaching of Reiner, Barroux and McDonal. Because, McDonald's

compress would provide the efficient transmission between the client and server.

13.   **As to claim 18,** it is an apparatus of claim 4. Therefore, it is rejected for the same reason

of claim 4 above.

14.   Claims **5, 6, 7, 19-21** are rejected under 35 U.S.C. 103(a) as being unpatentable over

Reiner (US. Patent 6,219,676 B1) in view of Barroux and in view of Jim Whitehead (Re:

Snapshots) and further in view of Blea et al (US. Patent 6,212,531 B1).

15.   **As to claim 5,** Reiner teaches the customer system (the server 14a, col 7, ln 30-65/ col 9,

ln 5-35), a first X (a time stamp, col 7, ln 40-63), a second Y (the time it last checked, col 7, ln

40-63), comparing (compare, col 7,ln 40-63), storing said change date on a database server

(maintaining a change log at the web sever, col 2, ln 46-60/ col 10, ln 10-67), network (networks

N1, col 5, ln 20-39).

16.   Reiner and Barroux do not teach X and Y as snapshot, checking out, checking in.

However, Jim Whitehead teaches X and Y as snapshot, checking out, checking in (defining a

snapshot as being just a special kind of collection that you can check out, freely add and delete

members, and then check-in, page 2, ln 1-5-24).

17.   It would have been obvious obvious to one of ordinary skill in the art at the time the

invention was made to combine the teaching of Reiner, Barroux, and Jim Whitehead because

Jim's snapshot, check in, check out would   roll back to any state quicker.

18.   Reiner, Barroux and Jim Whitehead do not teach suspending periodic auditing when

taking a snapshot and resuming periodic auditing. However, Blea teaches suspending periodic

auditing when taking a snapshot and resuming periodic auditing (suspend any further updates to

source volume and perform snapshot to source volume and resume updates to source data / Fig.

3).

19.   It would have been obvious to one of ordinary skill in the art at the time the invention

was made to combine the teaching of Reiner, Barroux, Whitehead and Blea's because Blea's

"suspend and update to source" would provides a logically consistent view of the source virtual

volume at a common point in time.

20.   **As to claims 6, 7, 19-21,** they are apparatus claims of claims 3, 4, 5. Therefore, they are

rejected as the same reasons of claims 3-5 above.

21.   Claims **8, 9, 22, 23** are rejected under 35 U.S.C. 103(a) as being unpatentable over Reiner

(US. Patent 6,219,676 B1) in view of Barroux (US. Patent 5,923,850) and further in view of

BrainTree (Policy manager).

22.   **As to claim 8,** Reiner teaches the change data (content is added, changed or deleleted ...

update may be form of time stamp, col 7, ln 30-65).

23.   Reiner and Barroux do not teach a set of rule from a database server, applying the set of

rule the change data to determine whether any of said set of rules has been violated and taking an

action associated with a rule violated. However, BrainTree teaches a set of rule from a database

server, applying the set of rule the change data to determine whether any of said set of rules has

been violated and taking an action associated with a rule violated (the set of standard rules

covering all aspects of database security, a rule evaluation engine, which a violation may occur,

since the violation records contain ... indirect security loopholes are quickly exposed and

resolved, page 2, left col, ln 1-47 to right col, ln 1-1-20).

24.   It would have been obvious to one of ordinary skill in the art at the time the invention

was made to combine the teaching of Reiner, Barroux and BrainTree because Brain Tree's "the

set of standard rules covering all aspects of database security, a rule evaluation engine, which a

violation may occur" would allow security administrators, database administrators, and auditors,

to define, implement and enforce security policies in client/serser RDBMS environments.

25.   **As to claim 9,** BrainTree teaches the rule base which may be stored in any database

(page 2, left col, ln 1-47).

26.   **As to claims 22,** 23. They are apparatus claims of claims 8- 9. Therefore, they are

rejected for the same reasons as claim 8-9 above.

27.   Claim **10-12** are rejected under 35 U.S.C. 103(a) as being unpatentable over Reiner (US.

Patent 6,219,676 B1) in view of Barroux (US. 5,923,850) in view of Michael L. nelson (The

NASA Technical report server).

28.   **As to claim 10,** it is an apparatus claim of claim 1; therefore it is rejected for the same

reason as claim 1 above. In additional, Reiner and Barroux do not teach the report server to

generate reports of the server. However, Nelson teaches the report server to generate reports of

the server (technical report server (NTRS) to update and maintain data locally ... to various

servers, sec: Services Provided/ Fig. 2).

30.   It would have been obvious to one of ordinary skill in the art at the time the invention

was made to combine the teaching Reiner, Barroux and Nelson because Nelson 's the report

server   would provide a slow use access time, non compatibility with clients behind firewalls

and non compatibility with non-WAID database.

32.   **As to claim 11,** Barroux teaches an agent program that collects information (a tool for

collecting, col 3, ln 42-45/ Integrated resource 200 collects and analyzes information, col 4,l n

10-14/ task scheduler 302 ... writes incoming collected data to asset database, col 4, ln 30-40).

34.   **As to   claim 12,** it is an apparatus claim of claims 2. Therefore, they are rejected for the

same reason as claim 2 above.

35.   Claim **13** is rejected under 35 U.S.C. 103(a) as being unpatentable over Reiner (US.

Patent 6,219,676 B1) in view of Barroux (US. Patent 5,923,850) in view of Michael L. nelson

(The NASA Technical report server) and further in view of McDonald et al (US. Patent

6,530,065 B1).

36.   **As to claim 13,** Reiner and Barroux and Michael do not teach compress. However,

McDonald teaches compress   (compressing the waveform file for transmission, col 16, ln 60-

67)/ compressing the reduced waveform data, col 37, ln 1-5)

12.   It would have been obvious to one of ordinary skill in the art at the time the invention

was made to combine the teaching of Reiner, Barroux, Michael and McDonald. Because,

McDonald's compress would provide the efficient transmission between the client and server.

37.   Claim **14** is rejected under 35 U.S.C. 103(a) as being unpatentable over Reiner (US.

Patent 6,219,676 B1) in view of Barroux (US. Patent 5,923,850) in view of Michael L. nelson

(The NASA Technical report server) in view of Jim Whitehead (Re: Snapshots) further in view

of Blea et al (US. Patent 6,212,531 B1).

38.   **As to claim 14,** Reiner teaches the customer system (the server 14a, col 7, ln 30-65/ col

9, ln 5-35), a first X (a time stamp, col 7, ln 40-63), a second Y (the time it last checked, col 7, ln

40-63), comparing (compare, col 7,ln 40-63), storing said change date on a database server

(maintaining a change log at the web sever, col 2, ln 46-60/ col 10, ln 10-67), network (networks

N1, col 5, ln 20-39).

16.   Reiner and Barroux, Michael do not teach X and Y as snapshot, checking out, checking

in. However, Jim Whitehead teaches X and Y as snapshot, checking out, checking in (defining a

snapshot as being just a special kind of collection that you can check out, freely add and delete

members, and then check-in, page 2, ln 1-5-24).

17.   It would have been obvious obvious to one of ordinary skill in the art at the time the

invention was made to combine the teaching of Reiner, Barroux, Michael and Jim Whitehead

because Jim's snapshot, check in, check out would   roll back to any state quicker.

18.   Reiner, Barroux , Michael and Jim Whitehead do not teach suspending periodic auditing

when taking a snapshot and resuming periodic auditing. However, Blea teaches suspending

periodic auditing when taking a snapshot and resuming periodic auditing (suspend any further

updates to source volume and perform snapshot to source volume and resume updates to source

data / Fig. 3).

19.   It would have been obvious to one of ordinary skill in the art at the time the invention

was made to combine the teaching of Reiner, Barroux, Michael, Jim Whitehead and Blea

because Blea's "suspend and update to source" would provides a logically consistent view of the

source virtual volume at a common point in time.

Response to the argument

20.   Applicant's arguments filed 4/5/2004 have been considered but are not moot in view of

the new ground(s) rejection.

21.   THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time

policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for response to this final action is set to expire THREE

MONTHS from the date of this action. In the event a first response is filed within TWO

MONTHS of the mailing date of this final action and the advisory action is not mailed until after

the end of the THREE-MONTH shortened statutory period, then the shortened statutory period

will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR

1.136(a) will be calculated from the mailing date of the advisory action. In no event will the

statutory period for response expire later than SIX MONTHS from the date of this final action.

Conclusion

Any inquiry concerning this communication or earlier communications from the

examiner should be directed to LeChi Truong whose telephone number is (703) 305 5312. The

examiner can normally be reached on 8 - 5.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's

supervisor, Meng-Ai An can be reached on 703-305-9678. The fax phone number for the

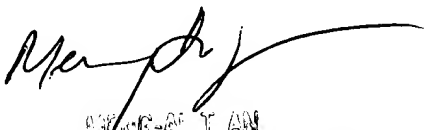organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent

Application Information Retrieval (PAIR) system. Status information for published applications

may be obtained from either Private PAIR of Public PAIP. Status information for unpublished

applications is available through Private PAIR only. For more information about the PAIR

system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIP

system, contact the Electronic Business Center (EBC) at 866-217-9197(toll-free).

LeChi Truong

June 25, 2004

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